

**ATTACHMENT A****FE 6049 (US)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: **Giampiero Morini et al.**)
Serial No.: **10/527,298**)
Filed: **August 24, 2005**) **Examiner: Ling Siu Choi**
For: **COMPONENTS AND CATALYSTS FOR**) **Group Art Unit: 1713**
THE POLYMERIZATION OF OLEFINS)

DECLARATION UNDER 37 C.F.R. §1.132

I, Giampiero Morini, declare as follows:

1. THAT in 1983 I received the degree of Doctor of Chemistry from the Faculty of Science of Pavia University, in Italy.

2. THAT since 1986 I have been continuously employed by Montell Italia SpA (now Basell Italia S.r.l.) or its predecessors, and in connection with such employment have been involved in research activity in the field of the polyolefin industry, particularly devoted to the study of Ziegler-Natta catalysts for olefin polymerization.

3. That I am a co-inventor of more than 50 patents/patent applications in the field of polyolefins and catalysts and processes for their preparation, and I have been co-author of about 40 publications relating to the same.

5. That I am one of the inventors of the above-identified application with U.S. Serial No. 10/527,298 ("Present Application"), and I am familiar with the disclosure and claims therein.

6. That I am familiar with U.S. Patent No. 4,784,983 of Mao et al. ("983 Patent"), identified by the Examiner in the Present Application and I am familiar with the disclosure and claims therein.

7. That I am familiar with U.S. patent No. 6,127,304 of Sacchetti et al. ("304 Patent"), identified by the Examiner in the Present Application and I am familiar with the disclosure and claims therein.

8. That I am one of the inventors of International Publication No. WO 00/63261 of Morini et al. ("261 Publication"), identified by the Examiner in the Present Application and I am familiar with the disclosure therein.

9. THAT the "304 Patent illustrates examples of bulk propylene polymerization using diisobutylphthalate as an internal electron donor and a magnesium-ethanol adduct, and that such polymerizations result in yields in the range of 50-70 KgPP/g-cat.

10. That the "983 Patent illustrates examples of bulk propylene polymerization using diisobutylphthalate as an electron donor in a polymerization process, and that such polymerizations result in yields of about 50 KgPP/g-cat, so that the polymerization yields of the "983 Patent are, in similar polymerization conditions, equal to or lower than that of the "304 Patent.

11. That the "261 Publication illustrates examples of bulk propylene polymerization using a succinate as an internal electron donor and a magnesium-ethanol adduct, and that examples illustrated in table 2 are explicative of the fact that activities under polymerization conditions identical to those of the "304 patent, are as an average, lower than 70 KgPP/g-cat and in most cases lower than 50 KgPP/g-cat. In particular, examples 2, 8, 10, 11 result in yields of 35, 44, 61 and 69 KgPP/g-cat respectively.

12. That based on the comparative yields of polymerizations in the "304 Patent and the "983 Patent using diisobutylphthalate electron donors, one skilled in the art would expect that the polymerization yield using of a succinate based catalyst prepared in accordance with the process of the present application would be lower than that of the succinate catalyst prepared with the process of the 261 Publication.

13. That the examples 2, 3, 4, and 5 of the Present Application, having propylene polymerization yields of 39, 55, 70, and 76 KgPP/g-cat respectively, are comparable to examples 2, 8, 10, and 11 of the 261 application respectively, to illustrate the affect of the

succinate internal electron donor in the catalyst components of the Present Invention as they have the same succinate as internal donor.

14. That the increase in polymer yields of examples 2, 3, 4, and 5 of the present invention relative to the corresponding examples 2, 8, 10 and 11 in the 261 Application represents unexpected positive results in light of paragraph 12.

15. That in view of their differences in terms of structure, reactivity with $MgCl_2$, reactivity with $TiCl_4$, reactivity with co-catalysts aluminum alkyls and capability of modulating catalyst active sites phthalate-based and succinate-based electron donors are not interchangeable or equivalent as polymerization catalysts.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent resulting therefrom.

Signed this 19th day of October, 2006


Giampiero Morini